

Counselors at Law  
570 LEXINGTON AVENUE  
NEW YORK, NEW YORK 10022

(212) 371-5800  
FAX (212) 371-6785  
Info@capclaborlaw.com

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SDNY ISLAND OFFICE

1010 FRANKLYN AVENUE  
GARDEN CITY, NY 11530  
(631) 724-8400

STEVEN M. COREN

ERIC SU

Of Counsel:

STEPHEN C. COOPER  
L. SUSAN SLAVIN LAW FIRM, P.C.

June 7, 2006

VIA FAX (212) 805-7901  
& FIRST CLASS MAIL  
Hon. Harold Baer, Jr., USDJ  
United States District Court, SDNY  
500 Pearl Street  
New York, NY 10007

Re: O'Leary v. Unified Court System  
SDNY Case No. 05cv6722(HB)(DCF)

Your Honor:

We are counsel for Plaintiff in the above-noted action which involves allegations of discrimination under Title VII. We have made substantial and repeated good faith efforts to gain Defendant's cooperation in discovery. Despite this, we have not received adequate responses from Defendant with regard to Plaintiff's outstanding Requests for the Production of Documents. As an initial matter, we have repeatedly asked for plaintiff's personnel file. We have not even gotten a proper explanation of where the requested file(s) are located. To date, the only documents we received in response to Plaintiff's discovery demands are copies of Defendant's position statement (and exhibits) submitted to the EEOC. This was sent to us on February 14, 2006.

We respectfully request that the matter be refer the action to a Magistrate Judge to assist Plaintiff in obtaining Defendant's cooperation.

The Court's attention and assistance is appreciated in advance. Kindly advise.

Very truly yours,


  
Steven M. Coren

SMC/es

cc: John J. Sullivan, Esq. - via fax 518-473-5514  
F. O'Leary

This matter will be referred to  
magistrate Debra C. Freeman.

SO ORDERED

  
Harold Baer, Jr., U.S.D.J.

Date: June 9, 2006